

REMARKS

This reply is fully responsive to the Office Action dated February 27, 2007, and is filed within four - (4) months following the mailing date of the Office Action. The Commissioner is authorized to treat this response as including a petition to extend the
5 time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed. The method of payment and fees for petition fee due in connection therewith is enclosed.

Disclosure/Claims Status Summary:

10 The Examiner stated that the Office Action is in response to the communication filed on December 18 and December 20, 2006. Claims 1-81 are pending in this application. More specifically, Claims 5, 6, 24, 25, 43, 44, 60, 68, and 76 are withdraw from consideration; and Claims 1-4, 9-23, 28-42, 47-59, 62,-67, 70-75, and 78-81 were rejected.

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A. Claim Rejections – 35 U.S.C. §112

Claims 1-4, 9-23, 28-42, 47-59, 62,-67, 70-75, and 78-81 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

20 The Examiner stated that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

25 More specifically, the Examiner stated that the specification does not describe measurement of gene expression associated with the entire length of an exon. To address this issue, the independent claims have been amended to include language that is described in such a way as to reasonably convey to one skilled in the art, that the inventor has possession of the claimed invention.

limitation comes from the concepts listed above regarding “length” and “between start and stop positions,” thus, no new matter is being added.

5 The Applicant respectfully submits that with the amended claims provided herein, the application is in compliance with §112 and that the claims contain subject matter which was described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Therefore, the Applicant respectfully requests that the Examiner withdraw this rejection and provide for timely allowance of the pending claims.

CONCLUSION

The Applicant respectfully submits that in light of the above amendment/remarks, all claims are now in allowable condition. The Applicant thus respectfully requests timely allowance of all of the pending claims.

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Any claim amendments that are not specifically discussed in the above remarks are not made for patentability purposes, and it is believed that the claims would satisfy the statutory requirements for patentability without the entry of such amendments. Rather, these amendments have only been made to increase claim readability, to improve grammar, and to reduce the time and effort required of those skilled in the art to clearly understand the scope of the claim language. Furthermore, any new claims presented above are of course intended to avoid the prior art, but are not intended as replacements or substitutes of any cancelled claims. They are simply additional specific statements of inventive concepts described in the application as originally filed.

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Further, it should be noted that amendment(s) to any claim is intended to comply with the requirements of the Office Action in order to elicit an early allowance, and is not intended to prejudice Applicant's rights or in any way to create an estoppel preventing Applicant from arguing allowability of the originally filed claim in further off-spring applications.

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In the event the Examiner wishes to discuss any aspect of this response, or believes that a conversation with either Applicant or Applicant's representative would be beneficial, the Examiner is encouraged to contact the undersigned at the telephone number indicated below.

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The Commissioner is authorized to charge any additional fees that may be required or credit overpayment to the attached credit card form. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as

The independent claims have been amended, in pertinent part, to state:

“...forming a first spatial-expression pattern by:

5 selecting a chromosomal region having a length and an exon having a start and a stop position; and

 associating the gene expression within the first gene expression pattern with its corresponding exon ~~by;~~ ~~the corresponding exon having a length such that the gene expression is associated with the entire length of the corresponding exon;~~

10 determining, within the chromosomal region, the start and stop position of the exon; and

associating the gene expression to the first spatial-expression pattern for the length between the start and stop position of the exon...”

15 To assist the Examiner and to obviate any further rejections under §112, the language in the amended claims can be found in the specification as follows:

- “...selecting a chromosomal region having a length and an exon having a start and a stop position;...” The amended language in this element can be found in
20 paragraph 74 of the specification, where it states, “...*a signal having a length equal to the length of a chromosomal region for which gene expression data is being analyzed is created. For every gene the start and stop position of the gene and its constituent exons is determined.*”
- “...determining, within the chromosomal region, the start and stop position of the
25 exon; and...” As noted above, the amended language in this element can be found at paragraph 74 of the specification.
- “...associating the gene expression to the first spatial-expression pattern for the length between the start and stop position of the exon...” The language in this

including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed. The petition fee due in connection therewith may be charged to deposit account no. 50-2738 if a credit card form has not been included with this correspondence, or if the credit
5 card could not be charged.

Respectfully submitted,

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